IN THE HIGH COURT OF UTTARANCHAL AT

NAINITAL

Writ Petition No. 435 of 2006 (S/S)

Jugindar Prasad
S/o Sri Subhit
Working as Sweeper/Chowkidar
In Aushadi Parishan Prayogshala
Rishikul Rajkiya Ayurvedic College
Pharmacy, Haridwar …….. Petitioners

Versus

1. State of Uttaranchal through Secretary
   Medical Education and Ayus
   Uttaranchal Sashan, Dehradun.
2. Director, Ayurvedic and Yunani
   Services Uttaranchal, Dehradun.
3. Principal/Superintendent, Aushadi
   Parishan Prayogshala, Rishikul
   Rajkiya Ayurvedic College Pharmacy
   Haridwar.
4. Vaigyanik Adhikari/Lab-Incharge
   Aushadhi Parishan Prayogshala
   Rishikul Rajkiya Ayurvedic College
   Pharmacy Haridwar. …….. Respondents.

Shri M.C. Kandpal, Sr. Advocate, assisted by Shri Kurban Ali, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2. Heard.

3. The petitioner, a Safai Karamchari on contract basis, has sought his regularization in service with the Rishikul Rajkiya Ayurvedic College, Pharmacy, Haridwar.

4. Learned counsel for the petitioner drew attention of this Court to Government Order dated 14.07.2005 and argued that a new post of Safai Karamchari is to be filled

from amongst the persons already holding the post. In reply to this, in the supplementary counter affidavit, respondents have annexed copy of the revised Government Order, whereby said clause in the aforesaid Government Order has been deleted.

5. In view of the priciple of law laid down in ***Secretary, State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases, Pg. 01,*** wherein it has been held that the workers on daily wages or the persons who get employed without undergoing regular selection process, should not be permitted to be absorbed or regularized against the constitutional scheme of public employment, this Court is not inclined to issue direction to regularize services of the petitioner, as such, the petition is liable to be dismissed.

4. The writ petition is dismissed. Interim orders dated 29.03.2006 and 03.08.2006, are hereby vacated. (All pending applications also stand disposed of).

Dt. 28.11.2006 **(Prafulla C. Pant, J.)**
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